

**DOCUMENT RESUME**

02385 - [A1512503]

[GAO Lacks Jurisdiction to Consider Protest re Nonappropriated Fund Activity]. B-189089. May 25, 1977. 1 pp.

Decision re: Gene's Mobile T.V.; by Paul G. Dembling, General Counsel.

Issue Area: Federal Procurement of Goods and Services (1900).

Contact: Office of the General Counsel.

Budget Function: National Defense: Department of Defense - Procurement & Contracts (058).

Organization Concerned: Ohio Valley Exchange Region, Charlestown, IN.

Authority: 31 U.S.C. 71. 31 U.S.C. 74. B-183034 (1975). B-181469 (1974). B-186357 (1976).

Bidder protested award issued by nonappropriated fund activity for a radio and T.V. repair/rental concession at Peterson Air Force Base, Colorado. GAO has no jurisdiction over nonappropriated fund activities, and therefore did not consider the protest. (Author/DJM)

02385-2503

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

**FILE: B-189089**

**DATE: May 25, 1977**

**MATTER OF: Gena's Mobile T.V.**

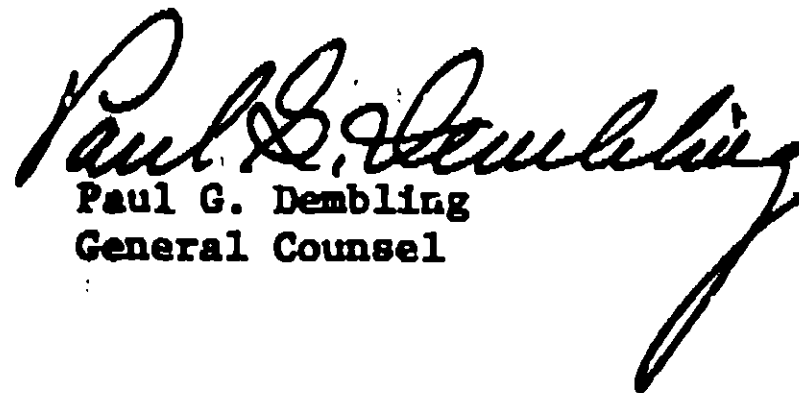
**DIGEST:**

GAO will not render decision on protest of concession contract awarded on behalf of nonappropriated fund activity since bid protest jurisdiction is based on account settlement authority.

Gena's Mobile T.V. protests the award of a contract to another bidder under solicitation No. OV-(75-03)-77-47, issued by the Ohio Valley Exchange Region, Charlestown, Indiana.

This contract concerns the granting of a radio and T.V. repair/rental concession at Peterson Air Force Base, Colorado, on behalf of the exchange, a nonappropriated fund activity, and does not involve either the expenditure of appropriated funds or the receipt of funds allocable to an account of the United States. With regard to procurements conducted by or on behalf of nonappropriated fund activities, this Office has declined to render decisions. ACS Construction Company, Inc., B-183034, April 18, 1975, 75-1 CPD 238. Our bid protest jurisdiction is based on our authority to adjust and settle accounts and to certify balances in the accounts of accountable officers under 31 U.S.C. §§ 71, 74 (1970). Where we do not have such settlement authority, we have declined to consider protests. Equitable Trust Bank, B-181469, July 9, 1974, 74-2 CPD 14. See also Standard Beauty and Barber Supply Co., Inc., B-186357, May 4, 1976, 76-1 CPD 302.

Accordingly, we will take no further action and the protest is dismissed.

  
Paul G. Dembling  
General Counsel